

SCS HB 1092 -- CHILD PROTECTION

This bill changes the laws regarding child protection.

JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT (Section 21.771, RSMo)

The Joint Committee on Child Abuse and Neglect must make recommendations on how to improve abuse and neglect proceedings including examining the role of the judge, the Children's Division within the Department of Social Services, the juvenile officer, the guardian ad litem, and the foster parents.

OFFICE OF THE CHILD ADVOCATE (Section 37.710)

The Office of the Child Advocate within the Office of Administration is authorized to file any pleadings necessary to intervene on behalf of a child at the appropriate judicial level using the resources of the Office of the Attorney General.

CHILDREN'S DIVISION INVESTIGATIONS (Sections 210.145, 210.152, and 210.183)

The bill changes, from within 30 days to within 45 days, the time period in which the Children's Division within the Department of Social Services must complete a child abuse or neglect investigation unless good cause for the failure is specifically documented in the information system. Good cause includes the necessity to obtain relevant reports of medical professionals, law enforcement agencies, and third parties which have not been completed and provided to the division; there is specified written documentation that there is a pending criminal investigation of the incident and the issuing of a decision by the division will adversely impact the progress of the investigation; or the child victim, the subject of the investigation, or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames.

If a child fatality or near-fatality is involved in a report of abuse or neglect, the investigation must remain open until the division's investigation is completed. If an investigation cannot be completed within 45 days, the information system must be updated at regular intervals and upon the completion of the investigation. The investigation must be completed no later than 90 days after receipt of a report of abuse or neglect, no later than 120 days after receipt of a report involving sexual abuse, or when the division's investigation is complete in a case involving a child fatality or near-fatality.

GUARDIANS AD LITEM (Section 210.160)

The bill allows a judge to appoint a guardian ad litem to appear for and represent an abused or neglected child involved in proceedings arising when an alleged perpetrator is aggrieved by the decision of the Child Abuse and Neglect Review Board.

SAFE CARE PROVIDER REIMBURSEMENT (Section 334.950)

The Department of Public Safety must establish rules and make payments to SAFE CARE providers who provide forensic examinations of persons under 18 years of age who are alleged victims of physical abuse out of appropriations made for that purpose. The department must establish maximum reimbursement rates that reflect the reasonable cost of providing the examination.

Only providers for forensic evaluations and case reviews may be reimbursed by the department. To provide reimbursement, the child must be the subject of a child abuse investigation or reported to the Children's Division within the Department of Social Services as a result of the examination.

The bill specifies that a minor may consent to the examination, the consent is not subject to disaffirmance because of his or her status as a minor, and parental consent is not required.

AUTOMOBILE INSURANCE FOR FOSTER CHILDREN (Section 431.056)

A minor who is 16 years of age or older and who is in the legal custody of the Children's Division under a court order must be qualified and competent to contract for the purchase of automobile insurance with the consent of the division or the juvenile court. The minor, not the state or a foster parent, must be responsible for paying the costs of the insurance premiums and must be liable for any damages as a result of the operation of a motor vehicle by the minor.

STANDING FOR FOSTER PARENTS IN COURT HEARINGS (Section 1)

A foster parent must have standing to participate in all court hearings pertaining to a child in his or her care.